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15 jblome@greenfirelaw.com

16 Attorneys for Plaintiffs

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 CANA FOUNDATION, a non-profit  
20 corporation, LAURA LEIGH, individually, and  
21 WILD HORSE EDUCATION, a nonprofit  
22 corporation,

23 *Plaintiffs,*

24 v.

25 UNITED STATES DEPARTMENT OF  
26 INTERIOR, BUREAU OF LAND  
27 MANAGEMENT, and JON RABY, Nevada  
28 State Director of the Bureau of Land  
Management,

1 *Defendants.*

CASE NO. 2:22-cv-01200-CDS-BNW

**DECLARATION OF LAURIE FORD  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR JUDICIAL NOTICE**

Amended Complaint Filed:  
September 2, 2022

1 I, Laurie Ford, declare that if called as a witness in this action I would competently testify  
2 of my own personal knowledge, as follows:

3 1. I am a member of Wild Horse Education and have participated as an observer at  
4 gather operations in the Blue Wing Complex.

5 2. Attached hereto as **Exhibit 1** is a true and correct copy two photographs I took of  
6 gather operations on August 1, 2022 at the Blue Wing Complex. These photographs were taken  
7 using a 500 mm camera lens.

8 3. Attached hereto as **Exhibit 2** is a true and correct copy of two screen captures  
9 from video at 3000 mm that I took of gather operations on August 1, 2022 at the Blue Wing  
10 Complex.

11 4. Attached hereto as **Exhibit 3** is a true and correct copy of a spreadsheet that BLM  
12 provided to me in response to my FOIA request (FOIA UT-2023-47 DOI-BLM-2023-002860) as  
13 regards burros gathered in the Blue Wing Complex in August of 2022 and shipped to Axtell Off  
14 Range Holding Corrals.

15 5. Attached hereto as **Exhibit 4** is a true and correct copy of a spreadsheet that BLM  
16 provided to me in response to my FOIA request (FOIA 1278(NV954) BLM-2023-002106) as  
17 regards burro deaths associated with the 2020 Selenite Range HA nuisance gather, which  
18 occurred within the Blue Wing Complex on 11/29/20.

19 6. Attached hereto as **Exhibit 5** is a true and correct copy of a spreadsheet that BLM  
20 provided to me in response to my FOIA request (FOIA UT-2023-76 DOI-BLM-2023-004535) as  
21 regards burro deaths associated with the 2022 gather at the Sinbad HMA.

22 7. Attached hereto as **Exhibit 6** is a true and correct copy of a veterinary report that  
23 BLM provided to me in response to my FOIA request (FOIA UT-2023-76 DOI-BLM-2023-  
24 004535) as regards burro deaths associated with the 2022 gather at the Sinbad HMA.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the  
2 United States of America that the foregoing is true and correct.

3  
4 DATED this 14th day of December 2023.

5 /s/ Laurie Ford

6 Laurie Ford

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## **CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2023, I electronically filed the foregoing Declaration of Laurie Ford in Support of Plaintiffs Motion for Judicial Notice along with Exhibits 1-6 with the Clerk of the U.S. District Court in the District Court of Nevada using the CM/ECF system, which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Jessica L. Blome  
Attorney for Plaintiffs

# **Exhibit 1**

View of trap with 500 mm lens.



View of drive with 500 mm. No detail can be discerned.



## **Exhibit 2**

Screengrab of video with 3000 mm



## **Exhibit 3**



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Utah State Office  
440 West 200 South, Suite 500  
Salt Lake City, UT 84101-1434

May 8, 2023

In Reply Refer To:  
1278 (UT-952)  
FOIA UT-2023-47  
DOI-BLM-2023-002860

Ms. Laurie Ford  
P.O. Box 314  
Glenwood, NM 88039

Dear Ms. Ford:

This is the Bureau of Land Management's (BLM) final response to your February 24, 2023, Freedom of Information Act (FOIA) request, received by the BLM Utah State Office on the same date. You requested all documents pertaining to the recent burro deaths (August-September 2022) that occurred at the Axtell Holding Facility. The information should include, but not be limited to:

1. All veterinarian records.
2. HMA the burros were gathered in and the dates they were shipped to Axtell.
3. Freeze brand identification, age, and sex of burros that died.
4. Copy of the BLM press release regarding these deaths, if any.
5. Any other available documentation or field notes.

After a thorough search, there are no records on file for items 4 and 5. Attached are 5 pages (4 documents) responsive to your request. Since we redacted information under Exemption 6 of the FOIA, and have no records for Items 4 and 5, we consider our response to be a partial denial of your request. Below is a detailed explanation:

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.”  
*See 5 USC § 552(b)(6).* We are withholding 4 pages in part under Exemption 6.

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under FOIA the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties

Laurie Ford

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or otherwise let citizens know what their government is up to. The burden is on the requester to establish the disclosure would serve the public interest. When the privacy interest at stake and public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: harm to personal privacy or benefit to the public. The purpose of the request for information does not impact this balancing test, as a release of information under FOIA constitutes a release to the general public.

The information withheld under Exemption 6 consists of names of veterinarians. We have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information to explain a relevant public interest under FOIA in the disclosure of the personal information and we have determined that the disclosure would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

I am responsible for this decision, in consultation with Christopher Morley, Attorney-Advisor for the Department of the Interior (DOI), Intermountain Regional Solicitor's Office, Salt Lake City, Utah.

You may appeal this partial denial to the DOI FOIA/Privacy Act Appeals Officer. If you choose to appeal, the DOI FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5:00 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communication concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION ACT APPEAL." You must include an explanation of why you believe this response is in error. You must include with your appeal, copies of all correspondence between you and BLM concerning your FOIA request, including your original FOIA request and this response. Failure to include all correspondence between you and BLM will result in the DOI rejection of your appeal, unless the DOI FOIA/Privacy Act Appeals Officer determines (in their sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the DOI FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal. *DOI FOIA/Privacy Act Appeals Office Contact Information:*

Department of the Interior, Office of the Solicitor  
FOIA/Privacy Act Appeals Office  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, D.C. 20240

Telephone: (202) 208-5339  
 Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

Fax: (202) 208-6677

For information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See 5 USC 552(c).* This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS does not affect the timing of filing an appeal with the DOI FOIA and Privacy Act Appeals Officer, nor does it affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
 National Archives and Records Administration  
 8601 Adelphi Road - OGIS  
 College Park, MD 20740-6001

E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
 Telephone: 202-741-5770  
 Toll-free: 1-877-684-6448

Web: <https://www.archives.gov/ogis>  
 Fax: 202-741-5769

You may also seek dispute resolution services from the DOI FOIA Public Liaison at <https://www.doi.gov/foia/foiacenters> or by contacting Ryan Witt at (202) 680-4142.

These documents are being provided to you at no charge because the cost to process your FOIA request fell below the minimum billable threshold. We do not charge requesters for FOIA processing when their fees are less than \$50.00, as the cost of collection would be greater than the monies received. *See 43 CFR § 2.37(g).*

If you have any questions concerning our response, please contact Marilyn Hedrick, FOIA Specialist, at (801) 539-4071 or email [BLM\\_UT\\_FOIA@blm.gov](mailto:BLM_UT_FOIA@blm.gov).

Sincerely,

JOSEPH  
 MENDEZ

 Digitally signed by JOSEPH MENDEZ  
 Date: 2023.05.08 12:46:09  
 -06'00'

Joseph C. Mendez,  
 Acting Associate State Director *for*

Gregory Sheehan  
 State Director

Death Date	Death Age	Gender	Freezemark TempID	Manner Of Death	Cause Of Death	Death Note	Capture Date	Capture Herd Place	Arrival Date
8/1/2022	2	Gelding	201483303	Euthanized: Chronic or Pre-existing Condition	Other		2/16/2022	(AZ0003) Black Mountain	4/20/2022
8/1/2022	5	Gelding	171483310	Euthanized: Chronic or Pre-existing Condition	Physical Defect or Deformity: Congenital or Developmental Lipemia/Hyperlipidemia	Crooked spine	2/16/2022	(AZ0003) Black Mountain	4/18/2022
8/9/2022	5	Female		Died: Acute or Unexpected Death	Other	Was dead on the truck when it arrived to the facility.	8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/10/2022	2	Male		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia	Necropsy performed, pregnant, lipemia caused by hepatic lipidosis	8/7/2022	(NV0216) Seven Troughs	8/9/2022
8/15/2022	5	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/15/2022	8	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/15/2022	10	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/15/2022	15	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/16/2022	4	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia	Necropsy performed, pregnant, lipemia caused by hepatic lipidosis	8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/17/2022	5	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/17/2022	9	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/17/2022	12	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/20/2022	5	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/20/2022	9	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/22/2022	3	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia	Necropsy performed, pregnant, lipemia caused by hepatic lipidosis	8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/22/2022	5	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia	Necropsy performed, pregnant, lipemia caused by hepatic lipidosis	8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/24/2022	12	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/24/2022	15	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/29/2022	6	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/29/2022	8	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/31/2022	20	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/1/2022	(NV0216) Seven Troughs	8/2/2022
8/31/2022	20	Male	0273926	Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/4/2022	(NV0216) Seven Troughs	8/5/2022
9/3/2022	10	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/5/2022	(NV0216) Seven Troughs	8/6/2022
9/4/2022	15	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/5/2022	(NV0216) Seven Troughs	8/6/2022
9/6/2022	20	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/5/2022	(NV0216) Seven Troughs	8/6/2022
9/9/2022	15	Female		Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia		8/5/2022	(NV0216) Seven Troughs	8/6/2022
9/10/2022	25	Male		Died: Acute or Unexpected Death	Old Age		8/5/2022	(NV0216) Seven Troughs	8/7/2022
9/11/2022	25	Female		Died: Acute or Unexpected Death	Old Age		8/5/2022	(NV0216) Seven Troughs	8/6/2022
9/12/2022	25	Female		Died: Acute or Unexpected Death	Old Age		8/5/2022	(NV0216) Seven Troughs	8/6/2022
9/13/2022	7	Female	15739743	Died: Acute or Unexpected Death	Lipemia/Hyperlipidemia	Front legs were crooked and deformed.	8/1/2022	(NV0216) Seven Troughs	8/2/2022
9/13/2022	25	Female		Euthanized: Chronic or Pre-existing Condition	Congenital or Developmental Lipemia/Hyperlipidemia		8/5/2022	(NV0216) Seven Troughs	8/6/2022
9/27/2022	20	Female		Euthanized: Acute or Sudden Condition			8/5/2022	(NV0216) Seven Troughs	8/6/2022
9/29/2022	20	Gelding	0273826	Died: Acute or Unexpected Death	Body Condition: Unable to Maintain or Improve		12/22/2021	(NV0524) Nevada Wild Horse Range	12/22/2021

## **Exhibit 4**



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Nevada State Office  
1340 Financial Boulevard  
Reno, Nevada 89502-7147  
<http://www.blm.gov/nv>

In Reply Refer To:  
1278 (NV954)  
FOIA No. BLM-2023-002106

March 31, 2023

Via Electronic Mail

Laurie Ford  
PO Box 314  
Glenwood, NM 88039

Dear Ms. Ford:

This letter is the final response to your Freedom of Information Act (FOIA) request submitted to the Bureau of Land Management and assigned tracking number BLM-2023-002106. You requested:

"I am requesting copies of all documents pertaining to any wild burro nuisance and/or emergency gathers conducted during fiscal years 2021, 2022, and thus far in fiscal year 2023.

The information should include, but not be limited to:

1. Location and proximity to adjoining HMAs
2. Dates and type of gather
3. Total removed, break down of jacks, jennies, foals, deaths and their body score
4. Holding facility, they were transported to
5. Attached complaint letters/reasons for removal"

We are providing 16 pages of documents being released to you in full. In regards to item 5. of your request, a search was conducted and after a thorough search of our files, BLM Nevada has determined there are no records responsive to your request.

## Appeal Rights

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the BLM's response is in error.

You must also include with your appeal copies of all correspondence between you and the BLM concerning your FOIA request, including your original FOIA request and the BLM's response. Failure

**INTERIOR REGIONS 8 & 10 • LOWER COLORADO BASIN & CALIFORNIA-GREAT BASIN**

ARIZONA, CALIFORNIA, NEVADA, OREGON\*

\* PARTIAL

to include with your appeal all correspondence between you and the BLM will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Address your appeal to:

Department of the Interior  
Office of the Solicitor  
1849 C Street, NW, MS-6556 MIB  
Washington, DC 20240  
Attn: FOIA/Privacy Act Appeals Office

Additional Contact Information:  
Telephone: (202) 208-5339  
Fax: (202) 208-6677  
E-mail: FOIA.Appeals@sol.doi.gov

#### Office of Government Information Services

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation.

You may contact OGIS in any of the following ways: OGIS, NARA, 8601 Adelphi Road, College Park, Maryland 20740-6001; Email: [ogis@nara.gov](mailto:ogis@nara.gov); Website: <https://ogis.archives.gov>; Telephone: 202-741-5770; Fax: 202-741-5769 or Toll-free: 1-877-684-6448. You also may seek dispute resolution services from our FOIA Public Liaison, Ryan Witt at (202) 680-4142. Using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

#### Fees

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.37(g). Therefore, there is no billable fee for the processing of this request.

#### Records Not Covered by the FOIA (FOIA Exclusions)

Beginning October 1, 2012, the inclusion of the following statement is mandatory for all BLM FOIA response letters: For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Should you have any questions, please contact Tiffany Wilhelm, BLM Nevada's FOIA Specialist at (775) 861-6552, or via email at [blm\\_nv\\_foia@blm.gov](mailto:blm_nv_foia@blm.gov).

Sincerely,

HOLLY  
VINALL

Digitally signed by HOLLY  
VINALL  
Date: 2023.03.31  
07:47:23 -07'00'

Holly J. Vinall  
Deputy State Director  
Support Services

#### INTERIOR REGIONS 8 & 10 • LOWER COLORADO BASIN & CALIFORNIA-GREAT BASIN

ARIZONA, CALIFORNIA, NEVADA, OREGON\*

\* PARTIAL

23-002106  
as of 3/29/23

Gather Event Name	Gather Method	Gather Event Date	Gather End Date	Gather Reason	Herd Place	Capture Inside	Capture Outside	Capture Date	Species	Gender	Capture Age	Holding Facility	Death Date	Death Location	Manner Of Death	Cause Of Death	Total Animals
2021_NV_Bullfrog_Nuisance	Other	10/1/2021	9/30/2022	Removal of Nuisance Animals	Out	(NV0629) Bullfrog		10/27/2021	Burro	Male	0 (NVF53) Palomino Valley Preparation Facility						1
<b>2021_NV_Bullfrog_Nuisance Total</b>																	
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	3 (NVF53) Palomino Valley Preparation Facility	12/20/2020	Short Term Holding Facility	Died: Chronic or Following Long Illness	Respiratory: Other		1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	3 (NVF53) Palomino Valley Preparation Facility	1/2/2021	Short Term Holding Facility	Euthanized: Acute or Sudden Condition	Lipemia/Hyperlipidemia		1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	3 (NVF53) Palomino Valley Preparation Facility	1/7/2021	Short Term Holding Facility	Euthanized: Acute or Sudden Condition	Lipemia/Hyperlipidemia		1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	5 (NVF53) Palomino Valley Preparation Facility	12/7/2020	Short Term Holding Facility	Euthanized: Acute or Sudden Condition	Lipemia/Hyperlipidemia		1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	5 (NVF53) Palomino Valley Preparation Facility	12/21/2020	Short Term Holding Facility	Died: Acute or Unexpected Death	Undiagnosed/Unknown		2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	5 (NVF53) Palomino Valley Preparation Facility	12/25/2020	Short Term Holding Facility	Died: Chronic or Following Long Illness	Respiratory: Other		1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	7 (NVF53) Palomino Valley Preparation Facility	12/25/2020	Short Term Holding Facility	Euthanized: Acute or Sudden Condition	Respiratory: Other		1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	8 (NVF53) Palomino Valley Preparation Facility	12/25/2020	Short Term Holding Facility	Euthanized: Acute or Sudden Condition	Respiratory: Other		1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	9 (NVF53) Palomino Valley Preparation Facility	1/2/2021	Short Term Holding Facility	Euthanized: Acute or Sudden Condition	Respiratory: Other		1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	10 (NVF53) Palomino Valley Preparation Facility	12/18/2020	Short Term Holding Facility	Euthanized: Chronic or Pre-existing Condition	Lipemia/Hyperlipidemia		1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In	(NV0212) Selenite Range		11/29/2020	Burro	Female	15 (NVF53) Palomino Valley Preparation Facility	12/21/2020	Short Term Holding Facility	Euthanized: Chronic or Pre-existing Condition	Respiratory: Other		1

2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Female	19 (NVF53)	Palomino Valley Preparation Facility	1/3/2021	Short Term Holding Facility	Euthanized: Acute or Sudden Condition	Lipemia/Hyperlipidemia	1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Female	20 (NVF53)	Palomino Valley Preparation Facility	12/18/2020	Short Term Holding Facility	Euthanized: Chronic or Pre-existing Condition	Respiratory: Other	1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Gelding	1 (NVF53)	Palomino Valley Preparation Facility					2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Gelding	2 (NVF53)	Palomino Valley Preparation Facility					2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Gelding	3 (NVF53)	Palomino Valley Preparation Facility					9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Gelding	4 (NVF53)	Palomino Valley Preparation Facility					3
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Gelding	5 (NVF53)	Palomino Valley Preparation Facility	1/27/2022	Foster Care/Trainer	Died: Acute or Unexpected Death		2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Gelding	5 (NVF53)	Palomino Valley Preparation Facility					1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Gelding	6 (NVF53)	Palomino Valley Preparation Facility					7
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Gelding	7 (NVF53)	Palomino Valley Preparation Facility					5
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Gelding	8 (NVF53)	Palomino Valley Preparation Facility	5/1/2021	Adopter or Private Care	Died: Acute or Unexpected Death	Undiagnosed/Unknown	1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Gelding	8 (NVF53)	Palomino Valley Preparation Facility					8



2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/29/2020	Burro	Male	20 (NVF53)	Palomino Valley Preparation Facility	2/5/2021	Short Term Holding Facility	Died: Chronic or Following Long Illness	Gelding Complications: Other	1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Female	0 (NVF53)	Palomino Valley Preparation Facility					10
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Female	1 (NVF53)	Palomino Valley Preparation Facility					3
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Gelding	0 (NVF53)	Palomino Valley Preparation Facility	1/7/2022	Adopter or Private Care	Died: Acute or Unexpected Death	Body Condition: Unable to Maintain or Improve	1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Gelding	0 (NVF53)	Palomino Valley Preparation Facility					7
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Gelding	0 (NVF53)	Palomino Valley Preparation Facility					1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Gelding	3 (NVF53)	Palomino Valley Preparation Facility					1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Gelding	4 (NVF53)	Palomino Valley Preparation Facility					2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Gelding	5 (NVF53)	Palomino Valley Preparation Facility					1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Gelding	6 (NVF53)	Palomino Valley Preparation Facility					1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Gelding	8 (NVF53)	Palomino Valley Preparation Facility	7/6/2021	Adopter or Private Care	Died: Chronic or Following Long Illness	Body Condition: Unable to Maintain or Improve	1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Gelding	8 (NVF53)	Palomino Valley Preparation Facility	2/12/2022	Adopter or Private Care	Died: Chronic or Following Long Illness	Body Condition: Unable to Maintain or Improve	1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	11/30/2020	Burro	Gelding	8 (NVF53)	Palomino Valley Preparation Facility	2/12/2022	Adopter or Private Care	Died: Chronic or Following Long Illness	Undiagnosed/Unknown	1



2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/1/2020	Burro	Female	6 (NVF53) Palomino Valley Preparation Facility					1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/1/2020	Burro	Female	9 (NVF53) Palomino Valley Preparation Facility					3
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/1/2020	Burro	Female	14 (NVF53) Palomino Valley Preparation Facility					2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/1/2020	Burro	Female	19 (NVF53) Palomino Valley Preparation Facility					1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/1/2020	Burro	Female	19 (NVF53) Palomino Valley Preparation Facility					1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/1/2020	Burro	Female	19 (NVF53) Palomino Valley Preparation Facility					1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/1/2020	Burro	Female	24 (NVF53) Palomino Valley Preparation Facility					1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/1/2020	Burro	Gelding	0 (NVF53) Palomino Valley Preparation Facility					4
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/1/2020	Burro	Male	0 (NVF53) Palomino Valley Preparation Facility					2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	0 (NVF53) Palomino Valley Preparation Facility					2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	1 (NVF53) Palomino Valley Preparation Facility					2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	1 (NVF53) Palomino Valley Preparation Facility					4
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	2 (NVF53) Palomino Valley Preparation Facility					1

2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	2 (NVF53) Palomino Valley Preparation Facility						4
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	3 (NVF53) Palomino Valley Preparation Facility						8
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	4 (NVF53) Palomino Valley Preparation Facility						2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	5 (NVF53) Palomino Valley Preparation Facility						1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	6 (NVF53) Palomino Valley Preparation Facility						1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	7 (NVF53) Palomino Valley Preparation Facility						4
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	8 (NVF53) Palomino Valley Preparation Facility						1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	9 (NVF53) Palomino Valley Preparation Facility	1/7/2022	Adopter or Private Care	Died: Acute or Unexpected Death	Body Condition: Unable to Maintain or Improve		8
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	10 (NVF53) Palomino Valley Preparation Facility						2
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	11 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	12 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	13 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	14 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	15 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	16 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	17 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	18 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	19 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	20 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	21 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	22 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	23 (NVF53) Palomino Valley Preparation Facility						9
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	24 (NVF53) Palomino Valley Preparation Facility	7/14/2021	Adopter or Private Care	Died: Acute or Unexpected Death	Fracture/Spinal Cord: Neck or Back Acute/Sudden		1
2021_NV_Selenite_HA_11_2020	Helicopter/Trap	11/29/2020	12/2/2020	Removal of Nuisance Animals	In Selenite Range	(NV0212)	12/2/2020	Burro	Female	25 (NVF53) Palomino Valley Preparation Facility	12/29/2021	Adopter or Private Care	Died: Chronic or Following Long Illness	Lipemia/Hyperlipidemia		1



## **Exhibit 5**



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Utah State Office  
440 West 200 South, Suite 500  
Salt Lake City, UT 84101-1434

August 14, 2023

In Reply Refer To:  
1278 (UT-952)  
FOIA UT-2023-76  
DOI-BLM-2023-004535

Laurie Ford  
P.O. Box 314  
Glenwood, NM 88039

Dear Laurie Ford:

This is the Bureau of Land Management's (BLM) final response to your May 15, 2023, Freedom of Information Act (FOIA) request, received by the BLM, Utah State Office on the same date. You requested all records associated with any burro death that took place in holding after the Sinbad HMA Wild Burro Gather 4/30/2022 to 5/5/2022. The information should include, but not be limited to:

1. All veterinarian records.
2. Age and sex of burros that died.
3. Capture date and capture location.
4. Shipping date and facility shipped to.
5. Date of death, manner and cause of death, and additional death notes.

Attached are 6 pages (3 documents) responsive to your request. Since we redacted information under Exemption 6 of the FOIA, we consider our response to be a partial denial of your request. Below is a detailed explanation:

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” See 5 USC § 552(b)(6). We are withholding 2 pages in part under Exemption 6.

The phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens know what their government is up to. The burden is on the requester to

Laurie Ford

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establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of names of veterinarians. We have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it. Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

I am responsible for this decision, in consultation with Christopher Morley, Attorney-Advisor for the Department of the Interior (DOI), Intermountain Regional Solicitor's Office, Salt Lake City, Utah.

You may appeal this partial denial to the DOI FOIA/Privacy Act Appeals Officer. If you choose to appeal, the DOI FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter. Appeals arriving or delivered after 5:00 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communication concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION ACT APPEAL." You must include an explanation of why you believe this response is in error. You must include with your appeal, copies of all correspondence between you and BLM concerning your FOIA request, including your original FOIA request and this response. Failure to include all correspondence between you and BLM will result in the Department's rejection of your appeal, unless the DOI FOIA/Privacy Act Appeals Officer determines (in their sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the DOI FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

*DOI FOIA/Privacy Act Appeals Office Contact Information:*

Department of the Interior, Office of the Solicitor  
FOIA/Privacy Act Appeals Office  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, D.C. 20240

Laurie Ford

Telephone: (202) 208-5339  
Fax: (202) 208-6677  
Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See 5 USC 552(c). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS does not affect the timing of filing an appeal with the DOI FOIA and Privacy Act Appeals Officer, nor does it affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001

E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://www.archives.gov/ogis>  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

You may also seek dispute resolution services from the DOI FOIA Public Liaison at <https://www.doi.gov/foia/foiacenters> or by contacting Ryan Witt at (202) 680-4142.

As stated in our acknowledgement letter, dated May 15, 2023, we have approved your fee waiver request since your justification clearly meets the Department of the Interior FOIA regulations and fee-waiver criteria. You have shown that disclosure of these records is likely to contribute to the public understanding of operations of the federal government in managing the Wild Horse and Burro Program. See 43 CFR § 2.48.

If you have any questions concerning our response, please contact Marilyn Hedrick, FOIA Specialist, at (801) 539-4071 or email [BLM\\_UT\\_FOIA@blm.gov](mailto:BLM_UT_FOIA@blm.gov).

Sincerely,

JOSEPH  
MENDEZ

Digitally signed by  
JOSEPH MENDEZ  
Date: 2023.08.14  
15:25:35 -06'00'

Joseph Mendez  
Associate State Director, *for*

Laurie Ford

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Gregory Sheehan  
State Director

## FOIA 2023-76\_Axtell\_Sinbad Deaths 2022\_08.02.2023

Location Name	Capture Date	Freezemark	Capture Herd Place	Death Date	Death Age	Gender	Manner Of Death	Cause Of Death	Death Note
(UTF58) Axtell Burro Facility	5/4/2022	08730681	(UT0652) Sinbad	5/4/2022	14	Female	Died: Acute or Unexpected Death	Foaling Complications	
(UTF58) Axtell Burro Facility	5/4/2022	08730681	(UT0652) Sinbad	5/4/2022	14	Female	Died: Acute or Unexpected Death	Foaling Complications	
(UTF58) Axtell Burro Facility	5/1/2022		(UT0652) Sinbad	5/8/2022	6	Female	Died: Acute or Unexpected Death	Foaling Complications	Necropsy performed, pregnant, lipemia caused by hepatic lipidosis
(UTF58) Axtell Burro Facility	5/1/2022		(UT0652) Sinbad	5/11/2022	8	Female	Died: Acute or Unexpected Death	Foaling Complications	necropsy performed, pregnant, lipemia caused by hepatic lipidosis
(UTF58) Axtell Burro Facility	5/3/2022		(UT0652) Sinbad	5/13/2022	5	Female	Euthanized: Acute or Sudden Condition	Foaling Complications	
(UTF58) Axtell Burro Facility	5/5/2022		(UT0652) Sinbad	5/13/2022	25	Male	Died: Acute or Unexpected Death	Old Age	
(UTF58) Axtell Burro Facility	4/30/2022		(UT0652) Sinbad	5/14/2022	0	Foal	Died: Acute or Unexpected Death	Undiagnosed/Unknown	Found dead
(UTF58) Axtell Burro Facility	5/4/2022		(UT0652) Sinbad	5/14/2022	15	Female	Euthanized: Acute or Sudden Condition	Foaling Complications	
(UTF58) Axtell Burro Facility	5/4/2022		(UT0652) Sinbad	5/16/2022	2	Female	Died: Acute or Unexpected Death	Foaling Complications	field necropsy performed, pregnant, likely lipemia caused by hepatic lipidosis

(UTF58) Axtell Burro Facility	5/4/2022		(UT0652) Simbad	5/16/2022	7 Female	Died: Acute or Unexpected Death	Foaling Complications	field necropsy performed, pregnant, likely lipemia caused by hepatic lipidosis
(UTF58) Axtell Burro Facility	5/4/2022		(UT0652) Simbad	5/16/2022	14 Female	Died: Acute or Unexpected Death	Foaling Complications	field necropsy performed, pregnant, likely lipemia caused by hepatic lipidosis
(UTF58) Axtell Burro Facility	4/30/2022	14738956	(UT0652) Simbad	5/19/2022	8 Female	Died: Acute or Unexpected Death	Foaling Complications	field necropsy performed, pregnant, likely lipemia caused by hepatic lipidosis
(UTF58) Axtell Burro Facility	5/2/2022	20738985	(UT0652) Simbad	5/25/2022	2 Female	Died: Acute or Unexpected Death	Foaling Complications	veterinarian observed, pregnant, likely lipemia caused by hepatic lipidosis
(UTF58) Axtell Burro Facility	4/30/2022	15730661	(UT0652) Simbad	6/8/2022	7 Gelding	Died: Acute or Unexpected Death	Gelding Complications: Hemorrhage	
(UTF58) Axtell Burro Facility	4/30/2022	15730661	(UT0652) Simbad	6/8/2022	7 Gelding	Died: Acute or Unexpected Death	Gelding Complications: Hemorrhage	
(UTF58) Axtell Burro Facility	5/3/2022	06730675	(UT0652) Simbad	6/8/2022	16 Gelding	Died: Acute or Unexpected Death	Gelding Complications: Hemorrhage	
(UTF58) Axtell Burro Facility	5/2/2022	06730675	(UT0652) Simbad	6/8/2022	16 Gelding	Died: Acute or Unexpected Death	Gelding Complications: Hemorrhage	
(UTF58) Axtell Burro Facility	5/2/2022	10738937	(UT0652) Simbad	6/13/2022	12 Gelding	Died: Acute or Unexpected Death	Gelding Complications: Hemorrhage	
(UTF58) Axtell Burro Facility	4/30/2022	11730656	(UT0652) Simbad	6/23/2022	11 Gelding	Died: Acute or Unexpected Death	Undiagnosed/Unknown	Possible castration complications

(UTF58) Axtell Burro Facility	4/30/2022	11730656	(UT0652) Simbad	6/23/2022	11 Gelding	Died: Acute or Unexpected Death	Undiagnosed/Unknown	Possible castration complications
(UTF58) Axtell Burro Facility	5/2/2022	16738998	(UT0652) Simbad	12/27/2022	6 Female	Died: Acute or Unexpected Death	Foaling Complications	
(UTF58) Axtell Burro Facility	5/2/2022	07738990	(UT0652) Simbad	3/16/2023	16 Female	Euthanized: Acute or Sudden Condition	Old Age	
(UTF58) Axtell Burro Facility	5/2/2022	22771541	(UT0652) Simbad	5/13/2023	1 Male	Euthanized: Chronic or Pre- existing Condition	Neurologic	Trouble standing and walking.
(UTF58) Axtell Burro Facility	4/30/2022	10738960	(UT0652) Simbad	7/17/2023	13 Female	Euthanized: Acute or Sudden Condition	Colic	

## **Exhibit 6**



Utah Veterinary Diagnostic Laboratory - Spanish Fork  
 514 West 3000 North  
 Spanish Fork UT 84660  
 Phone: (801) 798-7368 Fax: (801) 798-7009

Website: www.usu.edu/uvdl

Report Date: 5/13/2022

### Final Report

Date Received: 5/9/2022

Case Coordinator: Ex.6, DVM, MS, ACVM, ACVPM

Accession No:

22S05212

BLM AXTELL  
 HEATH WEBER  
 10490 WEST 13500 SOUTH  
 AXTELL UT 84621

Phone: (435) 201-3834  
 Email: hweber@blm.gov

### Associated Parties

Clinic	Ex.6	Vet Code:026095
Veterinarian		
Animal caretaker	BLM Axtell Heath Weber	

### Purpose of Test

Diagnostic-Diagnostic - In State

### Animal Information

Taxonomy	Sex	Age	Count
Horse - Donkey			1
Horse - Donkey	Female	4.5 Years	1

### Diagnosis(es)

Burro:

1. Liver: Hepatic lipidosis, diffuse, severe, acute
2. Stomach: Ulceration, multifocal, moderate, acute
3. Uterus: Submucosal and mucosal edema, multifocal, moderate, acute
4. Colon (tunica muscularis): Multifocal granulomas, mild, chronic

Fetus:

1. Thyroid gland, lung, thymus, trachea, small intestine, kidney and brain: Vascular congestion, multifocal, moderate, acute
2. Liver: Hepatic lipidosis, diffuse, severe, acute

### Pathology Summary

Death is attributable to hyperlipemia. Hyperlipemia frequently affects donkeys and is most prevalent during pregnancy. Hyperlipemia is often fatal. Diffuse hepatic lipidosis is present in the dam and the fetus and there are lipid vacuoles in the renal tubular epithelium. Donkeys are at a greater risk if they are overweight and have reduced feed intake due to the onset of parturition. Hepatic lipidosis can also be caused by other conditions including diabetes mellitus, hypothyroidism, and others that lead to a negative energy balance and excessive mobilization of fat. Gastric ulcers are common in donkeys, and may be subclinical in many cases. The presence of gastric ulcers may have contributed to inappetance and the development of hepatic lipidosis. Uterine edema is most likely secondary to parturition. Granulomas in the large intestine are most likely due to previous parasite migration and are not related to the cause of death.



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Salmonella spp. is detected in feces, but no microscopic lesions are present to suggest that this bacteria contributed to the cause of death.

The fetus has acute vascular congestion in multiple organs and death is attributed to dystocia. Hepatic lipidosis in the fetus increases the confidence that hyperlipemia was the cause of death.

### **Gross Findings**

A 207.65kg adult female burro in good body condition and with minimal postmortem decomposition is necropsied on 5/9/22. The vulva is swollen and there is clear yellow liquid (colostrum) in the ducts of the mammary gland. The donkey is heavily pregnant with a 24 kg female fetus in the uterus with the head and front legs in the vagina/birth canal (presumably death occurred during foaling). The liver is enlarged, very pale and friable and floats in 10% neutral buffered formalin. The kidneys are also pale and enlarged. Large intestine content is largely brown fluid with multifocal red areas on the mucosa. The small intestine has numerous 1-2 mm pale areas in the wall and the lumen contains a red, slightly cloudy liquid. There are two 1-2 cm in size eroded areas of the gastric mucosa near the junction of the glandular and non-glandular regions. In addition, the adrenal glands are enlarged. The lung is mottled tan to red. No other significant gross lesions are detected. The fetus is also necropsied. Other than meconium staining of the amniotic fluid in the stomach, no significant gross lesions are detected.

### **Histopathologic Findings**

Liver: Hepatocytes diffusely contain variably sized, singular, clear cytoplasmic vacuoles (lipid).

Kidney: Small numbers of neutrophils are multifocally within cortical and medullary tubules. Small amounts of eosinophilic or amphophilic proteinaceous material are multifocally within tubules. Cortical tubular epithelial cells diffusely contain clear cytoplasmic vacuoles (lipid).

Large intestine: Multifocal granulomas within the muscularis mucosae contain degenerate neutrophils admixed with brightly eosinophilic material (fibrin) are lined by enlarged endothelial cells and surrounded by moderate numbers of lymphocytes, neutrophils and macrophages.

Stomach: The mucosa is extensively ulcerated, and replaced with moderate amounts of cellular debris. Large amounts of clear space (edema fluid) multifocally expand the muscularis mucosae.

Uterus: Large amounts of edema fluid diffusely expand the wall.

No significant histopathologic abnormalities are noted in sections of esophagus, stomach, small intestine, pancreas, spleen, urinary bladder, adrenal gland, skeletal muscle, heart, trachea, lung, thyroid gland, adrenal gland, and brain.

Fetus: No significant histopathologic abnormalities are noted in sections of esophagus, stomach, small and large intestine, spleen, urinary bladder, skeletal muscle, heart.

Liver: Hepatocytes diffusely contain variably sized, singular, clear cytoplasmic vacuoles (lipid).

Thyroid gland, lung, thymus, trachea, small intestine, kidney and brain: Blood vessels are diffusely congested.

Gross necropsy performed by Dr. Kelly. Histopathology performed by Dr. Clayton.

Pathology resident: Mike Clayton, DVM, Dipl. ACVP

Diagnostician: Emma Jane Kelly, DVM, MS, MPH, Dipl. ACVPM & ACVM

### **Laboratory Findings**



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### Bacteriology

Specimen	Test Name	Result	Antibiotic	Susceptibility
<b>Burro - Horse - Donkey</b>				
Feces - 2	Salmonella spp. culture - 5/13/2022 4:40 PM	Detected		
Detected - 1	Antimicrobial susceptibility-Companion - 5/13/2022 4:40 PM		Ampicillin	Intermediate
			Amoxicillin / clavulanic acid 2:1 ratio	Intermediate
			Ticarcillin	Susceptible
			Trimethoprim / sulfamethoxazole	Susceptible
			Gentamicin	Susceptible
			Penicillin	Resistant
			Ceftiofur	Susceptible
			Enrofloxacin	Susceptible
			Cefovecin	Intermediate
			Cephalothin	Susceptible
			Amikacin	Susceptible
			Cefpodoxime	Susceptible
			Imipenem	Susceptible
			Erythromycin	Resistant
			Marbofloxacin	Susceptible
			Oxacillin+2%NaCl	Resistant
			Cefoxitin	Susceptible
			Ticarcillin / clavulanic acid constant 2	Susceptible
			Cefazolin	Susceptible
			Clindamycin	Resistant
			Doxycycline	Susceptible
			Chloramphenicol	Susceptible
			Rifampin	Resistant
Lung - 3	Aerobic culture - 5/13/2022 9:33 AM			
	No significant growth.			

### Parasitology

Specimen	Test Name	Result
<b>Burro - Horse - Donkey</b>		
Feces - 2	Fecal float equine - 5/13/2022 2:03 PM	No parasite ova seen

### Client Report History

Report Type	Delivery Method	Sent To	Date Sent
Final	Email	hweber@blm.gov	5/13/2022 4:40 PM